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Attached is an article that will be of interest to you. It is a provocative treatment of what is arguably the central arms control issue today.

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S P A C E P O L I C Y

VERIFICATION OF NON-COMPLIANCE: THE PROBLEM OF RESPONSE

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At the level of high principle—or even more pretentiously, philosophy—verification and compliance are not controversial subjects. All participants in the public American debate over arms control agree that control regimes should be adequately verifiable and that the United States must insist upon strict compliance with agreements. In addition, outside the thin ranks of American apologists for Soviet misbehavior, there is little technical room for dispute over the fact, scope, scale and persistence of Soviet treaty violations over more than a 20-year period.

As an overall judgment it would be difficult to improve on Assistant Secretary of Defense Richard Perle's assessment last May 7: "The Soviet Union has violated almost all of the most important arms control agreements signed since 1963." The agreements in question include the Geneva

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Protocol on Chemical Weapons of 1925, the Limited Nuclear Test Ban of 1963, the Biological and Toxin Weapons Convention of 1972, the Interim Offensive Forces Agreement of 1972, the ABM Treaty of 1972, the Threshold Test Ban Treaty of 1974, the Helsinki Final Act of 1975 and the SALT II Treaty of 1979. The range of explanations for Soviet non-compliance is extensive and familiar.

- 1) The US lacks evidence beyond a reasonable doubt. (This presumes that the standard of evidence of a domestic US criminal trial is pertinent—there are few instances of a truly "smoking gun.")
- 2) Soviet non-compliance lies more in the realm of circumvention than outright violation of explicit terms of agreements. (It should be noted that circumvention of a treaty is a treaty violation.)
- 3) The Soviet military establishment comprises a very large and complex bureaucracy and it is understandable, metaphorically speaking, that the left and right hands of that establishment should not always know what the other is doing. (This rationalization has been offered without self-evident irony by some of America's leading scholars of "things Soviet"—people who should understand better than most just how unlikely it is that rank, large-scale and persisting disobedience to orders would characterize defense activity "in the field.")
- 4) The alleged violations are insignificant militarily. (Even though the activities in question pertain to such significant matters as the BMD potential of massively deployed air defense systems, capability for rapid break-out for nationwide BMD deployment, warhead yields for all nuclear offensive forces, ICBM modernization and the development and stockpiling of new chemical and biological weapons.)
- 5) "Soviets will be Soviets:" the United States should not expect a Soviet quality of legal observance comparable to its own. The US government always has known that the Soviet Union would not abide by the letter of agreements. It is a mark of sophisticated statecraft on our part to accept as inevitable

some militarily tolerable Soviet misbehavior. (While it is true that Soviet/Russian political culture has standards of integrity different from the American—and Soviet/Russian officials cannot help, culturally, being what they are—this excuse is dangerously open-ended in its implications for US tolerance.)

6) Even if the Soviet Union is guilty in some cases as charged, the disproportion is so great between the damage wrought by the arms control process, that the path of policy wisdom is the path of calculated neglect of non-compliance issues. (There is some sense in choosing to suffer minor harm as a price of doing arms control business in pursuit of a great good. Nevertheless, the great good of stability-order-peace is unremarkably elusive, the harm is far from minor, and the "great good" is not an operationally relevant, proximate policy goal for our negotiators. Indeed, it is far from obvious that arms control negotiations have helped or will help promote stability and peace. The question then becomes one of whether ignoring Soviet non-compliance helps or hinders arms control, and the extent to which arms control can ever contribute to the "good." The answer to both those issues suggests that ignoring Soviet non-compliance could entail risks that outweigh the possible benefits of arms control and degrades the prospects for useful arms control.)

The above arguments have been advanced strictly as an illustrative short-list of the kind of apologetics that muddy the water of policy debate over arms control verification and compliance. The politically relevant facts of the present situation are: the Soviet Union has been found in violation of existing agreements by the US government; US charges of Soviet violation have been presented officially both in public and in private; and the US government does not have a sanctions policy.

AFTER DETECTION, WHAT?

As long ago as 1961, Fred Ikle, today the Under Secretary of Defense for Policy, posed the problem with almost brutal economy—"After Detection, What?" The policy problem is part intellectual; what menu

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of sanctions, and at what levels of intensity of application, theoretically is available to the US government. But, the larger part of the problem is political and encompasses policy, strategy and tactics. In its intellectual aspects, at least with respect to a broad-gauged understanding, the range of American choice when confronted with plain evidence of Soviet non-compliance long has been appreciated. In his prepared statement in support of the SALT II Treaty for the Senate Foreign Relations committee, then Secretary of Defense Harold Brown outlined quite admirably the proper course of official action to be adopted "if we are concerned about a possible violation."

Brown specified as follows, in ascending order of seriousness of response:

- ☐ "Our initial course... would be to discuss any ambiguous situation with the Soviets in the Standing Consultative Commission (SCC)."
- ☐ "In appropriate cases we could also raise the issue in higher level diplomatic channels."
- ☐ "If a problem is not resolved to our satisfaction, a number of courses are open to us. We could take actions permitted under SALT which would have the effect of offsetting the Soviet action."
- ☐ "We could insist on taking certain actions ourselves outside the Treaty to compensate militarily and politically for the violation."
- ☐ "Our ultimate remedy would be termination of [the] SALT II agreement."

The situation today, with respect to SALT II and to the ABM Treaty, is that critical issues have been raised in the SCC and in "higher level diplomatic channels" and there has been no reported satisfactory resolution (concerning such matters as encryption of missile test data, the SS-X-25 as an illegal second "new type" of ICBM, and the large-phased array radar [LPR] near Krasnoyarsk—to cite but the leading items). In short, the United States faces Ikle's question, "After Detection—What?"

The political problem of designing and implementing suitable policy responses to arms

control non-compliance is vastly more complex than the founding fathers of modern arms control theory envisaged.

The government of a Western democracy in the 1980s is severely constrained by the political fact that domestic public opinion seeks psychological reassurance against war through a visible arms control process. It is not sufficient that arms control business be conducted, that business has to be seen to be conducted. It is not sufficient that a statesman devote himself to accomplish whatever can be accomplished for the national security through arms control—in addition he has to proclaim his faith in the arms control process with loud and frequent reaffirmations.

These political facts are significant when the Soviet Union has been caught cheating, interested publics at home and abroad want to learn what the US government is going to do next, yet open discussion by US officials of Soviet cheating is portrayed as hostility to arms control.

The truth about the Soviet-American arms control process, as conducted and misconducted over the past 15 years, is an approximation of the following points:

- 1) The process has provided a forum, and ammunition, for the conduct of political struggle.
- 2) Neither superpower, to date, has signed on for treaty terms calculated as likely to have a net negative impact on its military prowess.
- 3) The Soviet Union has cheated persistently in matters great and small.
- 4) The arms control process, unremarkably, is an expression of, and instrument for the conduct of, political relations. When both parties want political relations to improve, or at least to be seen to improve, then the political framework for agreement is present. In periods such as thus far in the 1980s, when the Soviet Union does not want Soviet-American political relations to be seen to improve, then arms control agreement is plainly impossible. The "negotiators" in Geneva may be busy in such a period, but whatever it is that they are about certainly is not arms control—at least as arms control classically has been understood.
- 5) The potential, theoretical, benefits of the arms control process are many and important.

Unfortunately, those benefits as yet have proved elusive. The public Western debate over arms control shows an unhelpful, and profoundly misleading, debating opposition between arms control as vision and arms control as historical reality. Unfortunately for the state of public education—a critically important element in a democracy—successive US administrations, with very different political leanings, have fed public illusions over the more or less distant benefits of the arms control process. If the international political environment is permissive, a large “if,” arms control agreements can reflect only intersecting calculations by the high contracting parties of the relevant realm of what Soviet leaders will choose: a) a large rather than a small arsenal of weapons; b) to permit US forces to go essentially unconstrained rather than constrain similar forces of their own (unless they anticipate severe military disadvantage as a likely consequence of absence of severe constraint, or they plan a favorably asymmetrical pattern of treaty compliance).

6) The keys to “technical” success in the arms control process are: a) the coincidence of political decisions to seek agreement; and b) Soviet and US calculation that the alternative to agreement is an important, and growing, measure of military—and hence probably political—disadvantage.

7) The problems with the arms control process can be heightened by policy incompetence in Moscow and Washington, but they are really structural—having to do the nature of an essentially bipolar balance of power, differences between Soviet and American political culture, and the dynamics of an arms competition.

8) Finally, with the notable exception of the Nuclear Non-Proliferation Treaty of 1968 (which expresses a very genuine, and enduring, common superpower interest), the superpower arms control process of the past 20 years has been rather harmful—irrelevant when judged in the light of the principal, traditional goals of arms control—to reduce the risks of war and prospectively to reduce the damage that would be inflicted and suffered in war.

If Western publics understood at least most

of the above points, the US government's contemporary difficulty in designing a policy response to the verification of arms control non-compliance would be eased. The policy problem is that politically significant fractions of US and allied publics believe, against the evidence of history, that the arms control process has been important for stability. To note that this belief is unfounded unfortunately is portrayed as hostility to the goals and process of arms control. Consequently, political leaders in the 1980s have decided not to try to educate their domestic constituencies concerning the historical realities of the arms control process.

NOT STERLING PERFORMANCE

Soviet non-compliance with, for example, the ABM Treaty and the unratified SALT II treaty, presents a paradox for policy. On the one hand, Soviet misbehavior is helpful as a “makeweight” argument in support of prudent modernization of US strategic forces—the picture of untrustworthy Russians painted by non-compliance evidence cannot help but remind Western publics that the world is a dangerous place and that there is a real enemy “out there.” Furthermore, the non-compliance issue serves usefully to dampen what otherwise might be embarrassing political pressures for the US government to be more “flexible,” or accommodating, in its arms control negotiating positions. For example, the non-compliance issue has played a very positive role in helping the administration explain why ASAT arms control is a non-starter.

On the other hand, acknowledgement of Soviet treaty non-compliance mandates policy action of some kind. If the Reagan administration was seeking an excuse to withdraw from formal arms control negotiations, Soviet non-compliance would have to be viewed as an issue made in heaven. Less the point is missed, just as it is culturally and politically unacceptable for an American official to question the value of the arms control process in itself, so it is unacceptable to say that Soviet cheating does not matter. Unfortunately, the American public and Congress that believe that the Soviet Union

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cheats, and insist that the United States not condone cheating, simultaneously insist that the arms control process is important. As a consequence, US options are limited preemptively, as senior officials rule out the more drastic policy responses.

Official evasion and fumbling of the non-compliance issue is now well into its second decade. The Carter administration, wisely or not, chose not to find the Soviet Union in treaty non-compliance—a position that neatly evaded any need to provide an answer to Fred Ikle's central question. The Reagan administration bought itself time through careful study of the problem. Eventually, however, time ran out, and the administration reported publicly on verified, probable and possible Soviet non-compliance, first in January 1984 and then again in February 1985. The Presidential trumpet sounded clearly, but none too loudly, to the effect that the Soviet Union had been found in violation of solemn agreements. Notwithstanding the occasional political value of this issue, it has been, and remains, a major source of political embarrassment.

The point has been reached where the unmistakable absence of a sanctions policy is damaging to US reputation. In a Senate hearing in May 1985, Senator Edward Kennedy spoke the following very reasonable words: "I'm tired of hearing about gross violations, then virtually no action [occurs]. . . When are you going to do something about it?"

The senior official who was the target of Kennedy's frustration, Richard Perle, proceeded to remind the senator that he had voted very recently to reduce US strategic programs—hardly an appropriate signal to send to Moscow in response to its cheating. Notwithstanding its professed determination, early in its first term, to resolve the range of Soviet non-compliance questions, the actual history of the past four years is one of manifestly reluctant official acquiescence in legislative insistence for reporting on this subject. It is worth noting that although the Congress uniformly and repeatedly wraps itself in virtue on the issue of treaty compliance, it has been scarcely less insistent of very recent times that the administration pay suitable

homage to the promise of the arms control process. The mistaken view that concern for compliance is inconsistent with arms control appears to dominate much of Congress. In truth, the absence of compliance helps ensure that arms control will continue to be incapable of serving its stated goals. Needless to say, perhaps, the same point should be registered even more strongly in criticism of the administration. An administration willing, even eager, to proceed with new or renewed formal negotiations on strategic offensive and defensive weapons, does not look like an administration that takes past and continuing Soviet arms control violations seriously. US legislators have noticed this apparent absence of official seriousness; it is fair to presume that the Soviet government has reached the same conclusion.

A THIRD PATH?

Plainly, there is a complexity in the structure of US arms control policy that the Reagan administration did not recognize in its early days. The scholarly literature on arms control is unhelpful as a repository of advice for the box in which the US government finds itself today. There is an enormous body of classified and unclassified writings on the subject of verification. But, verification is not the primary policy problem in the mid-1980s.

The policy problem today is that the administration appears to believe that it has two equally unacceptable alternatives. Those alternatives are to condone Soviet cheating or to discontinue the arms control process. Neither alternative is tolerable. When faced with two intolerable options, it is understandable if a person elects to postpone decision.

The US government is in need of a third path. It requires a policy solution that accomplishes several potentially incompatible tasks. The tasks are: to demonstrate beyond question US political determination not to tolerate unequal treaty compliance; to offset whatever military damage has been wrought upon US national security by Soviet non-compliance; to deter Soviet non-compliance in the future; to show US commitment to the arms

control process—a process that cannot help but be damaged both by non-compliant behavior and by tacit acquiescence in such behavior.

It is important that the US government should not cause another self-inflicted policy wound. Political damage to the United States of a serious kind already is being suffered as a consequence of the protracted policy fumble on arms control non-compliance. For all the talk about verification and compliance in the United States over the past decade, Soviet officials cannot help but conclude that its principal adversary, when it comes to policy action, is strictly a "paper eagle." Unfortunate though the current situation is, it would be a very great deal worse if the US government decided upon and announced an arms control sanctions policy, and then discovered that it lacked the political strength to carry the Congress and, if need be, key allies, for implementation.

POLITICS VS. CONVICTION

Because of their persisting affection for the dreams of arms control, Western publics probably cannot be persuaded that the Soviet cultural proclivity to cheat precludes useful agreement on the defense subjects of most direct concern. Practical politics and strategic conviction are at odds over the future course of US arms control policy.

Strategic conviction could argue for the United States to walk away from the arms control process on the excellent grounds that even equal treaties in effect become unequal treaties when compliance is disadvantageously uneven. More importantly perhaps, Soviet compliance may depend, ultimately, upon Soviet belief that continued non-compliance could result in US termination of the arms control process. Yet because that option virtually is excluded by the current state of US domestic politics, the US capability to "do something" (to quote Senator Kennedy) is quite weak.

The key points are, first, that whether Soviet non-compliance reflects more management convenience than cultural inclination, or vice versa, Soviet incentives and opportunities to cheat will persist—indeed probably will grow as strategic forces become more agile in

deployment; and, second, that the United States politically has shown convincingly to date that it cannot cope with this situation. Moral courage in politics tends to be rare and fleeting. Officials should know that today's resolution may appear tomorrow to be inexpedient inflexibility. If politics is the art of the possible, and Western domestic publics bound severely what is possible in the realm of sanctions for arms control violations, then it might be argued that the United States cannot pursue a truly principled course.

It follows that it is difficult to be optimistic that the United States and its allies would stay the policy course on sanctions for arms control misbehavior. Self-knowledge is almost as important as knowledge of the adversary. Study of the pursuit of arms control by Western states suggests that their political cultures do not facilitate the capability to safeguard national security interests within an arms control framework that embraces as partner a political culture willing to engage in systematic non-compliance. Since Western vices come with Western virtues, the best that one can hope for is that Western governments can be forewarned and thereby possibly forearmed.

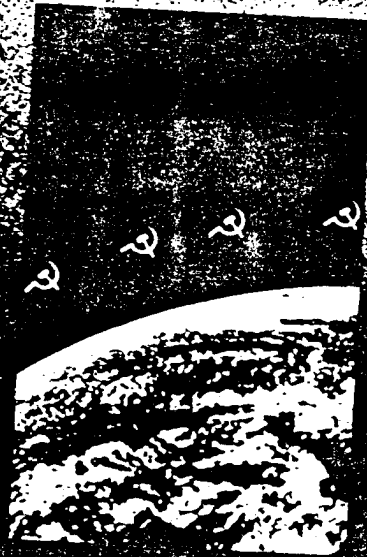
Correctly or incorrectly, and probably the former, the administration believes that popular and legislative support for a prudent defense program in the 1980s quite literally requires either US participation in an arms control process, or convincing evidence of willingness to participate. What this means in practice is that an arms control sanctions policy has to be framed plausibly as being supportive rather than destructive of the arms control process—with the underlying assumption being that much said or done about non-compliance is destructive of the arms control process.

If popular pressure for arms control activity is irresistible, and if the Soviet Union is wont to cheat, then the United States must design a sanctions policy of sufficient subtlety and flexibility that it can evade the policy paralysis induced by the narrow perception that violations are either ignored or necessarily lead to the unraveling of the arms control process. Militarily significant though some Soviet treaty violations are, it is uncertain that the administration either could carry the country for

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long, or its NATO allies at all, if it were to withdraw from the formal arms control enterprise for reason of Soviet non-compliance. Even though the US government should have no difficulty making its technical case initially, it is as likely as not that senior US officials would face more criticism for having taken rigorous action, than would the Soviet Union for having misbehaved.

The United States will have a severe cultural problem accommodating the idea of a flexible sanctions policy. The case is somewhat analogous to the difficulty American society still has not overcome convincingly with respect to the conduct of limited war. If wars are worth fighting, they should be worth winning.

Similarly, if the Soviet Union cheats on treaty obligations that it accepted voluntarily, then the United States should cease to have arms control dealings with the Soviet Union that are dependent upon Soviet compliance for their utility, and wherein Soviet non-compliance poses risks for the United States. In the process of justifying the application of a sanctions policy, a US president would have no little difficulty in both placing some bounds on domestic anger and avoiding offering what Soviet leaders would calculate had to be treated as a very major insult to Soviet dignity. It may be the case that the United States cannot design and, if need be, execute a sanctions policy for Soviet arms control violations that would stand a reasonable prospect of achieving its disparate goals. In summary form, the United States would want:

- ☐ The sanctions to be effective. That is to say they should negate, or—for deterrent purposes—more than negate any military advantages the Soviet Union secured through non-compliance.
- ☐ The sanctions to be judged by the US and other Western publics to “fit the crime,” yet not to be so punitive or demanding of the Soviet Union that the charge could be sustained plausibly that the United States simply was using Soviet violations as an excuse to abort the arms control process.

The United States would need to make it clear that its first preference by far would be for the Soviet Union to mend its ways, and that its second preference would be for the formal process of arms control to be placed in abeyance pending policy change in Moscow. The option of doing nothing in the face of persisting violations should have no standing as a preference at all. By way of guidance for design of a US sanctions policy it is plain, if almost trivially obvious, that the less that is required of the Soviet Union by way of verbal or physical recantation of past and current wrongdoings, the more likely is US policy to succeed. Specification and execution of proportionate and serious US defense (*inter alia*) program responses to verified non-compliance, would be needed, without calling

overtly into question the integrity of the arms control process as a whole. Such an approach would avoid substantially political vulnerability to the charge that the administration is seeking to wreck the prospects for arms control.

Given the public record of Congressional concern over Soviet arms control violations, it is a fair prediction that there would be very little legislative opposition in principle to a flexible sanctions policy. In practice, of course, the story might be very different. Selective US defense-program responses to Soviet non-compliance would cost money. It should be emphasized that US sanctions would not be mindlessly symmetrical with Soviet misbehavior. The United States would be able to choose from a wide array of military, economic and diplomatic options.

Potential pitfalls are not difficult to identify. In addition to the possibility of Congress declining to provide money or even just political support in particular cases, it is distinctly possible that the so-called practical people in Washington would regard formal enunciation of a sanctions policy as constituting nothing more significant than a rhetorical sop to conservatives. What is more, that opinion could be well-founded.

NECESSITY FOR POLICY

Whatever one's preferences with respect to US policy on arms control non-compliance, the importance of this subject should be recognized. It should be possible to achieve at least a working consensus on the following points:

1) The violations issue will not atrophy of its own accord (or discord, as the debaters tire of the subject). Even if public heat on the subject is somewhat episodic, the question of Soviet misbehavior is waiting "in the wings" to destroy the prospects for Senate ratification of any future arms control treaty with the Soviet Union.

2) If not treated firmly by US policy--and possibly not even then--Soviet non-compliance behavior will continue. Unequal observance of treaty terms makes a mockery of the arms control process and suggests that occasional "great debates" over the balance of advantage

and disadvantage achieved in negotiation of a treaty may be substantially irrelevant.

3) There is the potential for significant military disadvantage to the United States if a pattern of Soviet non-compliance is permitted to proceed unanswered for many years.

4) Prominent among the more important pillars of international order and peace is a high quality of Soviet respect for US political determination. Aside from any military disadvantage from Soviet non-compliance that the United States chooses to ignore, policy paralysis in Washington on this subject risks telling attentive Soviet leaders that American leaders do not mean what they say.

On the evidence to date it is far from certain that the US government has the policy wisdom and the moral courage to design, announce, and--if need be--execute, a flexible sanctions policy.

The Reagan administration is not well-placed to adopt a sanctions policy. First, the administration is much in need of visible activity in Geneva in order to reassure those domestic and allied critics who are fearful that the US government is insufficiently in awe of the destructive potential of nuclear weapons. Second, the administration has woven a disarmament story in support of its controversial Strategic Defense Initiative (SDI). Pertinent to that, Washington has been stressing the ABM Treaty-compliant nature of planned SDI research and development. Third, the administration has played--indeed may have over-played--its "Geneva card" in order to garner votes for further procurement funding for the MX.

None of the three reasons should foreclose upon adoption of a sanctions policy. But they do serve to encourage some in high places in the feeling that the alternative policy options for sanctions in response to Soviet treaty non-compliance all are varieties of poison vis-a-vis an arms control process that is a US political necessity. In conclusion, the policy challenge is to design and execute suitable responses to treaty non-compliance, while not, consequently, triggering at least a temporary demise of the arms control process for which the United States largely would be blamed. □